

09/832,718

JUL 16 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Group Art Unit: 3714

Daniel L. McConnell, et al.

Examiner: Coburn, Corbett B.

Serial No.: 09/832,718

Attorney Docket: 069035-001

Filed: 4/11/2001

Title: A SYSTEM AND METHOD FOR USE OF A PERSONALLY  
PORTABLE VIDEO DEVICE FOR VIEWING A LIVE EVENT

Office of the Deputy Commissioner for Patent Examination Policy  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO REVIVE UNINTENTIONALLY ABANDONED  
PATENT APPLICATION  
under 37 CFR 1.137(b)

1. Applicants petition for revival of this application under 37 CFR 1.137(b).
2. The Appeal pending in this application was dismissed in the Notification of Non-Compliance with 37 CFR 1.192(c) mailed on 26 November 2004. Since no claim stands allowed in the application, the application is abandoned.
3. It is hereby declared for purposes of 37 CFR 1.137(b) that the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional. Upon receipt of the Notification of Non-Compliance with 37 CFR 1.192(c) mailed on 26 November 2004 and in the normal course of business, the Applicants filed a "Petition to Revive Appeal and Patent Application under 37 CFR 1.181 or in the alternative under 37 CFR 1.137(b)" on 06 January 2005. That Petition was denied by the Office in a paper dated 04 June 2007 wherein it was explained that the

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Petition under 37 CFR 1.181 was denied in substance and the alternative Petition under 37 CFR 1.137(b) was not considered because it represented a different form of relief under 37 CFR 1.4(c). Without acquiescing to the validity of this decision, the Applicants have prepared this Petition under 37 CFR 1.137(b) and submit it herewith in the normal course of business.

4. A replacement Appellant's Brief formatted to comply with the requirements of 37 CFR 41 is submitted together with this Petition. Entry of this replacement Brief is requested. The fee associated with the filing of this Brief was previously paid in connection with the filing of the non-compliant brief on 04 June 2004.

5. The required petition fee of \$750.00 for a small entity, and any other fee necessitated by this Petition and Appeal, is hereby authorized to be charged to Deposit Account 503351.

Reg. No.: 34,865

SIGNATURE OF PRACTITIONER

Date: 7/16/2007David G. Maire

(typed name of practitioner)

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